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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>OSCAR FLAVIANO SALGADO-OCAMPO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-70332

Agency No. A078-102-065

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 10, 2011**

Before: BEEZER, TALLMAN, and CALLAHAN, Circuit Judges.

Oscar Flaviano Salgado-Ocampo, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's removal order. We have jurisdiction under 8 U.S.C.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

§ 1252. We review de novo questions of law, *Khan v. Holder*, 584 F.3d 773, 776 (9th Cir. 2009), and we deny the petition for review.

Salgado-Ocampo does not challenge the agency's determination that his conviction for violating Wash. Rev. Code § 9A.44.083 constitutes aggravated felony sexual abuse of a minor under 8 U.S.C. § 1101(a)(43)(A). Salgado-Ocampo's contention that his conviction qualified for treatment under the Federal Juvenile Delinquency Act and should not have been used to sustain the charge of removability is foreclosed by *Vargas-Hernandez v. Gonzales*, 497 F.3d 919, 922-23 (9th Cir. 2007).

Respondent shall serve a copy of this disposition on Salgado-Ocampo at his last known address.

PETITION FOR REVIEW DENIED.